

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHELDON RAY NEWSOME,

Plaintiff,

v.

F. MOHMAND, et al.,

Defendants.

No. 2:23-cv-0151 CKD P

ORDER

On November 27, 2024, this action was dismissed for plaintiff's failure to file a response to defendant Mohmand's motion to compel. The motion to compel was filed July 16, 2024. After granting plaintiff two extensions of time to file a response, his response was due November 7, 2024. Despite being warned that a failure to respond would result in a dismissal of this action (ECF No. 56), plaintiff neither filed a motion for an extension of time to respond, nor a response to the motion itself. Plaintiff now asks that the court reconsider dismissal. Both parties have consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c).

A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). "Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3)


1 if there is an intervening change in controlling law.” Id. at 1263. The only exception possibly  
2 applicable here is manifest injustice.

3 Plaintiff asserts he is unable to write or “prepare documentation” because he suffers from  
4 a condition called “claw hands.” The court notes that over the course of this litigation, plaintiff  
5 has provided 20 submissions, including the motion for reconsideration. This being the case,  
6 plaintiff’s assertion that he is unable to “prepare documentation” is not well taken. Also, the  
7 court notes that between July 16 and November 27, 2024, plaintiff provided three submissions in  
8 Case No. 2:19-cv-0307 DAD JDP P, including an opposition to a motion for summary judgment  
9 which was submitted on November 14, 2024, one week after his response to the motion to compel  
10 in this case was due.

11 Plaintiff has not provided sufficient justification for his failure to file a motion for an  
12 extension of time to file a response or an opposition to the July 16, 2024, motion to compel, to  
13 render the dismissal of this action a manifest injustice.

14 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for reconsideration (ECF  
15 No. 59) is DENIED.

16 Dated: April 25, 2025

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE